

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:18-CV-00214-BO

TERRI ANTOINETTE SMITH,

Plaintiff,)
v.) ORDER APPROVING 406(b) FEES
ANDREW SAUL)
Commissioner of Social Security,)
Defendant.)

)

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking an attorney's fee \$22,059.88 from past due benefits of \$88,236 payable to Plaintiff. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant, 42 U.S.C. §406(b). Counsel agrees that this requested fee will pay for all services at all levels. Plaintiff's counsel's request therefore represents approval of attorney fees of 25% of total retroactive benefits.

Under Gisbrecht v. Barnhart, 535 U.S. 789, 122 S. Ct. 1817 (2002), it is the duty of the Court to determine a reasonable fee.

The Court, in Culbertson v. Berryhill, 586 U.S. 304, 139 S. Ct. 517(2019), has endorsed the use of a contingency contract between the parties to allow up to a 25% fee of aggregate benefits for representation in Federal Court, providing that such a fee is reasonable.

It is ORDERED that Plaintiff's counsel be allowed fees under 42 U.S.C. § 406(b) in the amount of 15,000.00.

This the 23 day of June, 2021.

Terrence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT COURT